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November 11, 2004

Chairman Pat Miller
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: Sprint's Amended Complaint and Request to Suspend Tariff and to Conduct a
Contested Case Proceeding
Tariff No. 20041259

Dear Chairman Miller:

Please find enclosed an original and thirteen (13) copies of Sprint Communications Company, L.P.'s and Sprint Spectrum, L.P.'s Amended Complaint and Request to Suspend Tariff and to Conduct a Contested Case Proceeding in the above-referenced Tariff.

Please do not hesitate to contact me if you have any questions concerning this request.

Sincerely yours,

Edward Phillips

HEP:sm

Enclosures

cc: Joelle J. Phillips
Henry Walker
William T. Ramsey

CERTIFICATE OF SERVICE

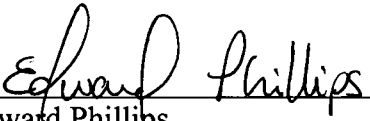
I hereby certify that I have served a copy of the foregoing Amended Complaint and Request to Suspend Tariff and to Conduct a Contested Case Proceeding of Sprint Communications Company, L.P. and Sprint Spectrum, L.P. upon all parties as designated below, by depositing a copy in the United States Mail, first-class postage prepaid.

This 11th day of November, 2004.

Joelle J. Phillips
BellSouth Telecommunications, Inc.
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300

William T. Ramsey
Neal & Harwell, PLC
One Nashville Place, Suite 1900
150 Fourth Avenue North
Nashville, TN 37219

Henry Walker, Esquire
Boult, Cummings, et al.
414 Union Street, #1600
Nashville, TN 37219-8062



Edward Phillips
Sprint Communications Company, L.P.
Sprint Spectrum, L.P.

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

In Re:

BellSouth Telecommunications, Inc. Tariff to
Introduce Transit Traffic Service,
Tariff No. 20041259

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Docket No. 04-00380

AMENDED COMPLAINT AND REQUEST TO SUSPEND TARIFF
AND TO CONDUCT A CONTESTED CASE PROCEEDING

Sprint Communications Company, L.P. and Sprint Spectrum, L.P. ("Sprint" or "Complainant") through undersigned counsel files this amended complaint against BellSouth Telecommunications, Inc.'s Tariff No. 20041259 before the Tennessee Regulatory Authority ("Authority") requesting specifically that the Authority suspended Bellsouth's Tariff No. 20041259 and convene a contested case proceeding. This complaint, request to suspend Tariff No. 20041259 and request to convene a contested case are brought pursuant to Tenn. Code Ann. § 65-5-201(c). In support of its complaint, Sprint states as follows:

1. Sprint is both a competitive telecommunications and wireless service provider in the State of Tennessee and provides comprehensive telecommunications services to customers within the state.

2. Based upon information and belief, Tariff No. 20041259 was filed by BellSouth on or about October 15, 2004 with a proposed effective date of November 5, 2004. As the Complainant understands BellSouth's tariff, the tariff has the potential to increase rates paid by competitive and wireless carriers for the transit of traffic over BellSouth's network from rates based on TELRIC to rates based on what BellSouth has referred to as "market based."

3. The obligation to provide transit for traffic over a local exchange carrier's ("LEC's") network is an interconnection service governed under 47 U.S.C. § 251 and not properly included in a tariff. Moreover, since transit is a section 251 obligation, BellSouth cannot impose rates at non-TELRIC prices.¹

4. BellSouth has an express § 251(c)(2) LEC "duty to provide [a requesting carrier] interconnection with [BellSouth's] network – (A) for the transmission and routing of telephone exchange service and exchange access." Transit traffic is "telephone exchange service" or "exchange access" traffic.

5. Under 47 U.S.C. § 251(c)(2) and subsection (A) there is no requirement that traffic transmitted and/or routed by BellSouth *must also terminate on BellSouth's network*. As described, this is one method by which "indirect interconnection" is accomplished between an originating and terminating carrier. Moreover, exchange service/access traffic that BellSouth transmits/routes *to another network for termination (i.e. transit traffic)* is encompassed as part of BellSouth's § 251(c)(2)(A) interconnection duties to transmit and route traffic and is therefore subject to TELRIC pricing.

6. Sprint is currently in negotiations for interconnection contracts with BellSouth. Allowing BellSouth's proposed tariff filing to go into effect without opportunity for hearing as to the appropriate rate level for this service sets a precedent without an evidentiary record as to the Authority's policy on appropriate rates for transit traffic.

7. Moreover, the "market based" rate BellSouth has proposed in Tariff No. 20041259 represents a two hundred percent (200%) increase in rates currently charged to Sprint under its existing agreements with BellSouth. Therefore, as demonstrated above, Sprint's legal

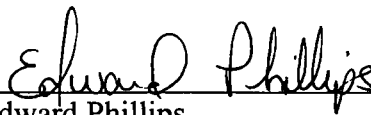
¹ See the January 15, 2003 Decision of the State of Connecticut Department of Public Utility Control, *Petition of Cox Connecticut Telecom, L L C for Investigation of the Southern New England Telephone Company's Transit Service Cost Study and Rates*, Docket No 02-01-23.

rights, duties, privileges, immunities or other legal interests will be affected by BellSouth's proposed tariff.

8. Given the requirements set forth for an incumbent LEC like BellSouth to provide transit service at TELRIC under § 251(a), Sprint is likely to succeed on the merits of its claims.

WHEREFORE, based on the foregoing, Sprint respectfully requests that the Authority accept this Complaint and order the suspension of Tariff No. 20041259, while convening a contested case proceeding to determine whether BellSouth's tariff filing is appropriate under 47 U.S.C. § 251.

Respectfully submitted this 11th day of November, 2004.



Edward Phillips

Attorney

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